

## BOARD OF SELECTMEN

Minutes of the Meeting of 9 February 2005 at 7:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Bruce Watts, Michael Glowacki, Douglas Bennett and Timothy Soverino. Robert F. Murphy was absent. Chairman Soverino called the meeting to order at 7:00 PM.

### PUBLIC COMMENT

Nantucket resident John McLaughlin announced that Gerry Eldridge has been named the new "mayor" of Siasconset.

Approval of Minutes of 25 January 2005 at 4:00 PM; Release of Executive Session Minutes of 10 November 2004; Partial Release of Executive Session Minutes of 15 September 2004. Mr. Bennett moved approval; seconded by Mr. Glowacki. So voted.

Approval of Payroll Warrant for Week Ending 6 February 2005. Mr. Bennett moved approval; seconded by Mr. Glowacki. So voted.

Approval of Treasury Warrant and Pending Contracts for 9 February 2005. Mr. Watts moved approval; seconded by Mr. Glowacki. So voted.

Public Hearing to Consider Application of Figawi Inc. for Public Assembly Permit for Annual Figawi Race Weekend Scheduled for May 28-29, 2005 at Commercial Wharf. Chairman Soverino opened the hearing and asked if any individual was present who wished to speak in favor of, or in opposition to the application. Howard Penn, representing Figawi Inc. spoke on the event, noting this will be its 34<sup>th</sup> year. As no individual was present to speak in opposition, Chairman Soverino closed the hearing. Mr. Watts moved to approve a public assembly permit for the annual Figawi Race Weekend scheduled for May 28-29, 2005; seconded by Mr. Glowacki. So voted.

Public Hearing to Consider Application of Even Keel, Inc. for Annual All Alcoholic Beverages Restaurant License, Marshall Thompson, Manager, for Premises Situated at 40 Main Street. Chairman Soverino opened the hearing and asked if any individual was present who wished to speak in favor of, or in opposition to the application. Attorney Rhoda Weinman, representing the applicant, spoke on the proposed application and noted the letters of support from abutters and patrons of the restaurant. As no individual spoke in opposition, Chairman Soverino closed the hearing. Mr. Watts moved to approve an annual all alcoholic beverages restaurant license for the Even Keel Café; seconded by Mr. Bennett. So voted.

Public Hearing to Consider New Application of EGB Enterprises, Inc d/b/a The Rose & Crown, Rick Ulmer, Manager, for All Alcoholic Beverages License, Common Victualler License, Entertainment License. Chairman Soverino opened the hearing and asked if any individual was present who wished to speak in favor of, or in opposition to the application. Rick Ulmer, proprietor of the Rose & Crown, spoke in favor and noted what changes he proposes to make regarding the operation of the restaurant. He indicated it will be very much a "family-style" establishment. As no individual spoke in opposition, Chairman Soverino closed the hearing. Mr. Bennett moved to approve a new all alcoholic beverages license for the Rose & Crown; seconded by Mr. Glowacki. So voted. Noting, later in the meeting, that the Board had inadvertently forgotten to approve the common victualler

and entertainment license, Mr. Watts moved to approve those applications; seconded by Mr. Glowacki. So voted.

Public Hearing to Consider Re-Naming the Portion of Macys Lane Running Southerly from Old South Road to Monohansett Road, to "Airport Road." Chairman Soverino opened the hearing and asked if anyone was present who wished to speak in favor of, or in opposition to the matter. Assessor Debbie Dilworth explained that the original numbering of Macys Lane, which runs from Hinsdale Road, across from Old South Road to Monohansett does not conform to standard procedure with the present numbering system. Ms. Dilworth stated she needs to renumber that portion of Macys Lane running from Old South to Hinsdale to conform with the other roads (which is not an issue for tonight) but the issue then remains as how to number the parcels from Old South Road to Monohansett. Ms. Dilworth added that, no matter whether the numbering starts from Monohansett and runs east or Hinsdale, or runs west, the numbers will still be "out of sync" with the adjoining roads. Ms. Dilworth stated that she and the Deputy Police Chief have reviewed maps and agreed the best solution would be to re-name that portion of Macys Lane running from Old South Road to Monohansett. Ms. Dilworth noted that the Airport Commission has suggested "Airport Road" and the abutters (2) are all in agreement with the proposed name change. Ms. Dilworth specified the reasons why the renumbering is necessary, citing safety concerns by residents of Macys Lane. Ms. Dilworth stated her office is now forced to use "letters", "1/2's", and "rear" for street numbers and this type of numbering is very confusing in the event of 911 or other emergency calls.

Madaket resident Phil Gallagher expressed his frustration that his address is Macy Road, at the other end of the island. Mr. Gallagher suggested that all of Macys Lane, which is the subject of this discussion, be changed to another name. Harbor Fuel Oil president John Stackpole stated Harbor Fuel has several business entities located on Macys Lane and he does not want the street name changed. After some discussion, Mr. Bennett moved to continue the hearing for 2 weeks to ascertain further information from the Assessor and Planning Department as to how best to resolve this matter, and to request a recommendation on Mr. Gallagher's suggestion.

Public Hearing to Hear Appeal of Patrick Goode of Historic District Commission Disapproval of Certificate of Appropriateness No. 45,008 for "As-Built" Revision (fiberglass porch columns) for Property Situated at 1 Bluebird Lane. Chairman Soverino opened the hearing and asked if any individual was present who wished to speak in favor of the appeal. Appellant Patrick Goode explained that, after requesting a final inspection of his house, he was denied approval due to his porch columns being fiberglass. Mr. Goode stated that he was advised by Historic District Commission (HDC) administrator Mark Voigt to submit an "as-built" revision application, which was met with disapproval from the majority of the Commission. Mr. Goode stated he feels the Commission was arbitrary as it stated only wood columns are accepted, when in actuality, there are at least 10 other properties in the Naushop subdivision (where his house is located) that have fiberglass rather than wood columns. Mr. Goode provided the Board with pictures of these properties.

Assistant HDC Administrator Aaron Marcavitch spoke in opposition to the appeal stating that the original application and subsequent approval was for wood columns. Mr. Marcavitch continued that columns are considered "trim" and the Building with Nantucket in Mind guidebook states that all trim is to be wood. Mr. Marcavitch stated that the HDC "reaffirmed" this mandate at its June 29, 2004 meeting reiterating that it does not allow synthetic trim. Mr. Goode stated that his fiberglass columns were completed prior to this June 29, 2004 "restatement." Quince Street resident John Wagley expressed his opinion that the burden should be on the builder and homeowner to understand the guidelines. HDC administrator Mark Voigt stated that he has "no idea" how the applications for those other properties in Naushop with fiberglass columns got approved and cited other applications that were recently denied because synthetic trim was requested and/or used rather than the specified and approved wood trim. HDC commissioner John McLaughlin recommended that the Board of Selectmen view the property.

Chairman Soverino closed the hearing and after some discussion, Mr. Glowacki moved to deny the appeal and to find that the HDC did not act in an arbitrary or capricious manner; seconded by Chairman Soverino. So voted. Mr. Bennett was opposed and Mr. Watts abstained.

NP&EDC: Joint Discussion Concerning Comment Letter Regarding Cape Wind Project. Planning Director John Pagini gave some introductory remarks and Barry Rector, chairman of the NP&EDC, called a meeting of the NP&EDC to order. James Coyne, Managing Director of Lexecon Consulting Company addressed the Board with regard to a draft letter prepared jointly by Lexecon and Mr. Pagini to be sent to the U.S. Army Corps of Engineers regarding the Cape Wind project. Mr. Coyne stated that the draft letter incorporates input from the Airport Commission and the Nantucket Energy Committee. Mr. Coyne reviewed the proposed letter; specifically, outlining twelve areas of concern about the windfarm project. Mr. Coyne stated that comments are due to the Army Corps no later than February 24, 2005. After Mr. Coyne's presentation, Mr. Rector asked if members of the NP&EDC had any comments and Commission member John McLaughlin stated what areas of concern he feels are the most important. The NP&EDC voted to send the letter, as presented, and, after some discussion, Mr. Watts moved to approve sending the comment letter as presented by Mr. Coyne; seconded by Mr. Glowacki. So voted. Mr. Bennett was opposed. The Board thanked Mr. Coyne for his work, which had been done at no charge to the Town.

Discussion Concerning Surfside Wastewater Treatment Facility Upgrade (continued from January 31, 2005) Tom Nevers resident Nancy Wheatly, who stated that she has some expertise in the wastewater treatment industry, as well as with regulatory agencies, provided her input as to how the town should proceed with the Surfside Wastewater Treatment Facility (SWWTF) upgrade. Ms. Wheatly recommended that the town proceed with a 3.5 mgd upgrade. Earth Tech representative John Daniels summarized what the Administrative Consent Order (ACO), the Town signed with the Department of Environmental Protection (DEP) requires, and the deadlines associated with these requirements, one of which is July 1, 2005 for engineering plans for the project. Mr. Daniels clarified that DEP is mandating that the town go to "secondary" treatment and noted that Earth Tech has provided the town with three alternative options for the Town to phase into a 3.5 mgd facility. Discussion followed and Mr. Glowacki expressed his opinion that the "second dwelling" controversy is closely related to the sewer issue and needs to be addressed. After some additional

discussion, it was unanimously agreed the Board will further review the three alternative options and continue this discussion at the meeting of February 16, 2005.

Town Administrator's Report: Review of Preliminary Draft 2005 Annual Town Meeting Warrant Articles. Discussion on the draft 2005 Annual Town Meeting warrant continued from last week and Town Administrator Libby Gibson discussed the option of including the Board of Selectmen's proposed general fund budget in Article 8, as well as all other articles dealing with the general fund budget. After some discussion, it was generally agreed this should be a goal for the 2006 Annual Town Meeting warrant. Ms. Gibson reviewed those articles she still needs direction on, and Nantucket merchant Wendy Hudson asked the Board to include an article under its name regarding "formula stores." Ms. Hudson explained the article and it was agreed that Town Counsel would review the legalities of the article. It was unanimously agreed that the Board will further discuss the warrant articles at the meeting of February 16, 2005.

Ms. Gibson stated she has the borrowing documents which need to be approved with regard to the purchase of a new mosquito ditch digger, and Mr. Glowacki moved to authorize the Town Treasurer to secure a short term note from Nantucket Bank in the amount of \$120,000 with an interest of 4%, pursuant to Article 9 of the October 9, 2004 Special Town Meeting for the purchase of a mosquito ditch digger; seconded by Mr. Watts. So voted.

Selectmen's Reports/Comments. Mr. Watts stated he has received 57 calls from citizens with regard to the deer hunting that is occurring this week and feels, if the state allows this "special" deer hunting week to occur next year, "things need to be tightened up."

Mr. Bennett announced that he is hosting a "Nantucket Political Convention" next week.

Chairman Soverino thanked all agencies who assisted with the recent blizzard clean-up.

At 9:30 PM, Chairman Soverino polled the Board and Mr. Glowacki, Mr. Watts, Mr. Bennett and Chairman Soverino voted unanimously to adjourn to Executive Session, after a meeting of the County Commissioners, not to return to Open Session, for the purpose of discussing real estate acquisition, potential litigation, and a collective bargaining grievance.

Approved the 23<sup>rd</sup> day of February 2005.